

# Exhibit H

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

VIDEO GAMING TECHNOLOGIES, INC.,

Plaintiff,

vs.

CASTLE HILL STUDIOS LLC, *et al.*

Defendants.

CASE NO. 17-CV-00454-GKF-JFJ

**DEFENDANTS' RESPONSE TO PLAINTIFF'S  
SIXTH SET OF INTERROGATORIES**

Defendants Castle Hill Studios LLC, Castle Hill Holdings LLC, and Ironworks Development LLC (together "Castle Hill") submit these responses to Plaintiff's Sixth Set of Interrogatories.

**OBJECTIONS TO DEFINITIONS**

1. Defendants object to the definition of Castle Hill to the extent it seeks to impose obligations on Defendants beyond those required by the Federal Rules of Civil Procedure. Defendants specifically object to the inclusion of current and former personnel in that definition, because information from former personnel is not within Castle Hill's possession, custody or control. Defendants object to the definition of Castle Hill as to include agents, representatives and consultants, because these terms are not defined and are imprecise, because they fail to sufficiently identify those persons who allegedly fall within the scope of the definition, and because information that may be in the possession of such persons is not necessarily within Castle Hill's possession, custody or control. Defendants object to the definition of Castle Hill as to include attorneys, to the extent information in the possession of its current and former attorneys is protected from disclosure by the attorney client privilege and work-product doctrine.

### **OBJECTIONS TO INSTRUCTIONS**

Castle Hill objects to Instruction No. 1 that Castle Hill include information from attorneys, experts, advisers, and agents. Any request for information from attorneys may include information protected from disclosure by the attorney-client privilege and work-product doctrine. Defendants object to the term “experts” to the extent the Interrogatories seek information beyond that permitted by applicable law and court rules. Defendants object to advisers and agents on the basis that these terms are not defined and are imprecise, because they fail to sufficiently identify those persons who allegedly fall within the scope of that definition, and because information that may be in the possession of such persons is not necessarily within Castle Hill’s possession, custody or control.

### **OBJECTIONS AND ANSWERS TO INTERROGATORIES**

**INTERROGATORY NO. 23:** For each of the CHG Games, identify, separately for each cabinet type used with the CHG Game (*e.g.*, Retro 3-reel mechanical, Atlas 3-reel video) and for each quarter since CHG began operating to the present, the number of units sold, leased or licensed in the United States; the revenue received by CHG from such sales, leases, and licenses; all direct, indirect, variable, fixed, and overhead costs associated with each of the CHG Games that was incurred by CHG; and all gross, operating, pre-tax and net profits realized by CHG, directly or indirectly, for each of the CHG Games.

**RESPONSE:** Castle Hill objects to this Interrogatory as overly broad and unduly burdensome. Castle Hill further objects to this interrogatory as vague and ambiguous, including to the extent that it seeks information for “each cabinet type used.” Castle Hill further objects to the Interrogatory as compound. The Interrogatory itself has three subparts, each of which counts as a separate interrogatory and therefore this Interrogatory (in addition to VGT’s First through Fifth sets

of Interrogatories, many of which included interrogatories with numerous subparts) exceeds the total number permitted under Rule 33.

Subject to and without waiver of the foregoing objections, Castle Hill states that it has already produced financial documents containing information responsive to this request regarding Castle Hill's costs, revenues, and profits associated with its games. Those documents include, but are not limited to: tax returns for 2014 through 2016 (CHG0132958 – CHG0134085); a copy of Castle Hill's balance sheet (CHG0120282 – CHG0120284); and, a copy of Castle Hill's profit and loss statement (CHG0120285 – CHG0120290). Information regarding the financial performance of Castle Hill's games is contained in the more than one thousand reports tracking game performance, including but not limited to the following documents: EGM performance reports (CHG012291 – CHG0122969); and reports regarding coin-in/coin-out numbers for Castle Hill's games (CHG0120668 – CHG0122626). Pursuant to Rule 33(d), Castle Hill will produce additional documents from which the information sought in this Interrogatory may be readily derived or ascertained.

Dated: June 25, 2018

Respectfully submitted,

/s/ Robert C. Gill

Robert C. Gill (admitted *pro hac vice*)  
Thomas S. Schaufelberger (admitted *pro hac vice*)  
Henry A. Platt (admitted *pro hac vice*)  
Matthew J. Antonelli (admitted *pro hac vice*)  
SAUL EWING ARNSTEIN & LEHR, LLP  
1919 Pennsylvania Avenue, NW, Suite 550  
Washington, D.C. 20006  
(202) 295-6605  
(202) 295-6705 (facsimile)  
robert.gill@saul.com  
tschauf@saul.com  
henry.platt@saul.com  
matt.antonelli@saul.com

Sherry H. Flax (admitted *pro hac vice*)  
SAUL EWING ARNSTEIN & LEHR, LLP  
500 E. Pratt Street, Suite 900

Baltimore, Maryland 21202  
(410) 332-8764  
(410) 332-8785 (facsimile)  
sherry.flax@saul.com

James C. Hodges, OBA #4254  
JAMES C. HODGES, P.C.  
2622 East 21st Street, Suite 4  
Tulsa, Oklahoma 74114  
(918) 779-7078  
(918) 770-9779 (facsimile)  
JHodges@HodgesLC.com

*Counsel for Defendants*